

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MALEEKA D. GILBERT and
DAMAR E. JOHNSON,

Defendants.

8:23CR146

**PRELIMINARY ORDER
OF FORFEITURE**

This matter is before the Court upon the government's Motion for Preliminary Order of Forfeiture (Filing No. 57). The Court has carefully reviewed the record in this case and finds as follows:

1. On November 14, 2024, defendant Maleeka D. Gilbert ("Gilbert"), pleaded guilty to Count I of the Indictment (Filing No. 1) and admitted the Forfeiture Allegation. Count I charged Gilbert with conspiracy to possess with intent to distribute 400 grams or more of a substance or mixture containing a detectable amount of fentanyl; in violation of 21 United States Code section 846.

2. On November 21, 2024, defendant, Damar E. Johnson ("Johnson"), pleaded guilty to Counts I and III of the Indictment (Filing No. 1) and admitted the Forfeiture Allegation. Count I charged Johnson with conspiracy to possess with intent to distribute 400 grams or more of a substance or mixture containing a detectable amount of fentanyl; in violation of 21 United States Code section 846. Count III charged that he did knowingly use or carry a firearm during and in relation to a drug-trafficking crime or possessing a firearm in furtherance of such a crime; in violation of 18 United States Code section 924(c)(1)(A).

3. The Forfeiture Allegation sought forfeiture, pursuant to 21 U.S.C. § 853, of \$16,020.11 in United States currency, as property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense.

4. Based on the Gilbert and Johnson's guilty pleas and admissions, Gilbert and Johnson forfeit their interest in the \$16,020.11 in United States currency and the government is entitled to possession of any interest Gilbert and Johnson have in the \$16,020.11 in United States currency pursuant to 21 U.S.C. § 853.

5. The government's Motion for Preliminary Order of Forfeiture is granted.

IT IS ORDERED:

1. The government's Motion for Preliminary Order of Forfeiture (Filing No. 57) is granted.
2. Based upon the Forfeiture Allegation of the Indictment and Gilbert and Johnson's guilty pleas and admissions, the government is hereby authorized to seize the \$16,020.11 in United States currency.
3. Gilbert and Johnson's interest in the \$16,020.11 in United States currency is hereby forfeited to the government for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
4. The \$16,020.11 in United States currency is to be held by the government in its secure custody and control.
5. Pursuant to 21 U.S.C. § 853(n)(1), the government shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture, notice of publication evidencing the government's intent to dispose of the \$16,020.11 in United States currency in such manner as the Attorney General may direct, and notice that any person, other than Gilbert or Johnson, having or claiming a legal interest in the \$16,020.11 in United States currency must file a

Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

6. The published notice shall state the Petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the \$16,020.11 in United States currency, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title, or interest in the \$16,020.11 in United States currency, and any additional facts supporting the Petitioner's claim and the relief sought.
7. The government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the \$16,020.11 in United States currency, as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 22nd day of November 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge